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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 MAR 20 PM 1:59

UNITED STATES OF AMERICA,

Plaintiff,

v.

Luis VILLEGAS-Hijar,

Defendant

Magistrate Docket No.

'08 MJ 0878


COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United StatesBY KW DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **March 19, 2008** within the Southern District of California, defendant, **Luis VILLEGAS-Hijar**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol AgentSWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 20th DAY OF **MARCH 2008**

 Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:**Luis VILLEGAS-Hijar****PROBABLE CAUSE STATEMENT**

On March 19, 2008, Border Patrol Agent C. Llamas, was performing line watch duties for the Imperial Beach Border Patrol Station in an area known as "Whiskey 8". This area is approximately two miles west of the San Ysidro, California Port of Entry and approximately eighty yards north of the United States/Mexico International Border.

At approximately 9:00 A.M., Agent Llamas observed three individuals walking north near the bridge on Dairymart Road. They then disappeared into a densely wooded area on the west side of the bridge. Agent Llamas responded to the area and after a brief search he discovered two individuals hiding in some dense brush. The third subject, later identified as the defendant **VILLEGAS-Hijar, Luis**, ran from where the first two subjects had been hiding and Agent Llamas had to pursue him on foot for a short distance in order to apprehend him. He identified himself as a Border Patrol agent and Agent Llamas then performed an immigration inspection on all three. All three, including the defendant, individually admitted to being a citizens and nationals of Mexico without any immigration documents that allowed them to legally enter or remain in the United States. All three were placed under arrest and transported to the Imperial Beach Station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on March 7, 2008 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.